

A091 (Rev. 8/01) Criminal Complaint

MAY 19 2015

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

V.

**Amber Cherie Haynes
& Roxanne Garcia
& Joseph Denman
& Jack Miller**

CRIMINAL COMPLAINT

Case Number: **C-15-614M**

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 5/18/2015 in Brooks County, in the

(Date)

Southern District of Texas defendant(s), **Amber Cherie Haynes
& Roxanne Otilia Garcia
& Joseph Denman
& Jack Miller**

each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.

I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:

Official Title

See Attached Affidavit of U.S. Border Patrol Agent

Marvin Williams

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Signature of Complainant

Marvin Williams

Printed Name of Complainant

Sworn to before me and signed in my presence and probable cause found on :

May 19, 2015

Date

B. Janice Ellington, U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State

Signature of Judicial Officer

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information related to me by other agents and officers participating in the investigation.

On May 18, 2015 Falfurrias Border Patrol Agents encountered MILLER, Jack Allen, HAYNES, Amber Cherie, GARCIA, Roxanne Otilia, and DENMAN, Joseph at the Falfurrias Border Patrol Checkpoint attempting to smuggle 6 undocumented aliens; 3 of them being hidden in a tan Dodge Caravan and 3 in a silver Grand Marquis.

On today's date, May 18, 2015, Border Patrol Agent (BPA) Bryant Garcia was assigned traffic check duties at the Falfurrias Border Patrol Checkpoint, 13 miles south of Falfurrias, Texas on U.S. Highway 281. At approximately 0000 hours, the driver of a silver Grand Marquis, bearing Texas license plate number TX CWB 1309, stopped at the primary inspection lane for an immigration inspection. BPA Garcia asked the driver, later identified as HAYNES, Amber Cherie, if she was a United States citizen to which she replied, "Yes". BPA Garcia had noticed that HAYNES was nervous, avoiding eye contact, and fidgeting within her seat. BPA Garcia asked HAYNES if she had any identification to which she presented me with her Texas driver license. HAYNES hand was shaking when she handed me the identification she continued to shift around in her seat. BPA Garcia asked HAYNES what was the purpose of her trip to the valley, and she stated that she went to McAllen, Texas to visit her aunt. BPA Garcia then asked the passenger, later identified as DENMAN, Joseph, if he was a United States citizen to which he replied, "Yeah". BPA Garcia proceeded to ask DENMAN if he had any identification to which he replied, "No". BPA Garcia looked in the rear of the vehicle and noticed there was a lot of clutter. Working along-side BPA Garcia was BPA D. Watt and his service canine "ZUZA". While looking at the contents of the vehicle BPA Watt advised BPA Garcia that his service canine had alerted and indicated to the trunk of the vehicle and to send the vehicle to secondary. BPA Garcia asked HAYNES for consent to search the vehicle which she agreed to, and BPA Garcia directed her to the secondary inspection area.

As the Grand Marquis was making its way to secondary, the driver of a tan Dodge Caravan bearing Texas license plate number TX BWR 4846, stopped at the primary inspection lane for an immigration inspection. BPA Garcia asked the driver, later identified as GARCIA, Roxanne Otilia if she was a United States citizen to which she replied, "Yes". BPA Garcia asked GARCIA if she had any identification. GARCIA, hands shaking, presented BPA Garcia with a Texas identification card. BPA Garcia then turned his attention to the passenger, later identified as MILLER, Jack Allen, and asked if he was a United States citizen to which he replied, "Yes". BPA Garcia proceeded to ask MILLER if he had any identification to which he presented BPA Garcia with a Texas identification card. At this time BPA D. Watt advised me that his service canine "ZUZA" had alerted to the Caravan and to secondary the vehicle. BPA Garcia looked into the back of the Dodge Caravan and saw a clutter of items similar to the Grand Marquis. BPA Garcia asked GARCIA what the purpose of her trip to the valley was, to which she replied they were visiting an aunt just as HAYNES had replied. BPA Garcia proceeded to ask GARCIA for consent to search the Caravan at which time she looked over at MILLER and stuttered when she asked, "why." BPA Garcia then told GARCIA that the canine had alerted to her car and directed her to the secondary inspection area to search her vehicle.

At secondary inspection BPA D. Watt with his service canine "Zuza" started to perform a systematic search of the vehicle when canine "Zuza" pulled Agent Watt to the trunk of the vehicle. BPA Watt opened the trunk and moved a blanket inside the trunk revealing a person hidden in the trunk. A total of three subjects were found hiding in the trunk. All three subjects were questioned as to their citizenship and all three subjects stated they did not have legal documentation to remain in the United States. At that time, HAYNES and DENMAN were placed under arrest and escorted into the checkpoint. BPA Garcia proceeded to ask GARCIA whether she had anything illegal in the Caravan to which she looked and pointed at MILLER. BPA Garcia repeated the question, to which she replied to ask him referring to MILLER. BPA Garcia told GARCIA he was asking her, and she admitted to having something in the vehicle. BPA Garcia asked what was in the vehicle "people or drugs." GARCIA lowered her gaze and replied, "People". At that time, GARCIA and MILLER were placed under arrest and escorted into the checkpoint. BPA Garcia advised BPA Watt of the admission at which point they discovered three additional undocumented aliens.

MIRANDA WARNING:

HAYNES, Amber Cherie was read her Miranda Rights in her preferred language of English, witnessed by BPA D. Rico. HAYNES signed the forms accordingly acknowledging that she understood her rights at 0021 hours. HAYNES also signed the consent form allowing us to search her phone.

DENMAN, Joseph was read his Miranda Rights in his preferred language of English, witnessed by BPA D. Rico. DENMAN signed the forms accordingly acknowledging that he understood his rights at 0030 hours.

MILLER, Jack Allen was read his Miranda Rights in his preferred language of English, witnessed by BPA D. Rico. MILLER signed the forms accordingly acknowledging that he understood his rights at 0040 hours.

GARCIA, Roxanne Otilia was read her Miranda Rights in her preferred language of English, witnessed by BPA D. Rico. GARCIA signed the forms accordingly acknowledging that she understood her rights at 0045 hours.

PRINCIPAL STATEMENT:

HAYNES, Amber Cherie agreed to give a statement without the presence of a lawyer. HAYNES stated that she was asked to accompany DENMAN, GARCIA, and MILLER to the valley. She states she doesn't remember who it was that had asked her to accompany them. HAYNES said the four of them had driven down to the valley from Houston, Texas in the Dodge Caravan on Friday May 15, 2015. She stated that they stayed at a hotel in Mission, Texas for a couple of days. They left the hotel on Sunday May 17, 2015 and went to a trailer home. At the trailer home a tall, full figured, short hair Hispanic by the name of "Ivan" was waiting for them there. "Ivan" along with another man and woman brought the 6 undocumented aliens out from the house and had 3 of them get into the Caravan and the Marquis which was at the trailer home.

HAYNES admitted that she had overheard that they would get paid \$1000 USD for each undocumented alien. HAYNES did not know where they were to take the aliens but assumes somewhere in Houston, Texas. She did not know if they had been paid any money upfront and commented that the negotiation with "Ivan" was being made with DENMAN and MILLER. HAYNES also consented to a search of her phone and provided the address that she placed in her GPS to find the trailer home. HAYNES was shown a street view of the location and positively identified the stash house.

DENMAN, Joseph agreed to give a statement without the presence of a lawyer. DENMAN stated that everything was his idea. DENMAN said that he was at a bar named "End of the Trail" in Houston, Texas when he was approached by a man whom asked DENMAN if he wanted to make some extra money. DENMAN told the man he needed money and asked what he had to do. Then man said he needed someone to bring a vehicle to Houston, Texas from McAllen, Texas. DENMAN agreed and was directed to drive to Palmview, Texas and stay at the Palmview Inn Motel. He was to be met by a man that would then take them to where the car was. DENMAN then contacted GARCIA, HAYNES, and MILLER and asked if they would help him being a vehicle to Houston, Texas for some extra cash. All four principals drove to the motel in the Dodge Caravan. DENMAN stated that they stayed at the motel and while he was outside smoking he was approached by a man whom asked him if he was there to take a vehicle to Houston, Texas. DENMAN replied, "Yes" then stated that the man had told DENMAN to call him "Ivan" and told him to follow him to the location of the vehicle. DENMAN said that "Ivan" was driving an older model Chevrolet truck and lead him to the trailer home. When they arrived there the Grand Marquis was in the front of the trailer home. "Ivan" went into the house and came out with the 6 undocumented aliens and told him that he would transport the people as well. DENMAN said he hesitated for a moment but agreed to do it once "Ivan" told him he would be paid \$1000 USD for each undocumented alien. DENMAN said that he was already here and he might as well do it for more money. He stated that he was given about \$1500 USD upfront and would get paid the rest once he delivered the vehicle and the undocumented aliens. DENMAN was to leave the undocumented aliens on the side of Highway 59 on the north side and someone would pick them up. He was to keep the vehicle and was going to be contacted by someone whom would pick up the vehicle and pay DENMAN the rest of his money. DENMAN admitted to have used the money to gas the vehicles, recharge the air conditioning unit on one of the vehicles, and for food.

MILLER, Jack Allen agreed to give a statement without the presence of a lawyer. MILLER states that he was asked to come on a road trip with the other 3 principals. MILLER states that DENMAN had told him he purchased a vehicle that he was going to drive back to Houston, Texas. Miller said they stayed at a motel but was unable to identify which one. Miller stated that they went to a parking lot where they got the Grand Marquis. He says that DENMAN was talking to a man when the 6 undocumented aliens were brought out of another vehicle. DENMAN advised MILLER of what was going on and MILLER stated he told him he didn't want anything to do with this. MILLER says he also threatened the other principals that he would stay in the valley and didn't agree with the situation.

GARCIA, Roxanne Otilia agreed to give a statement without the presence of a lawyer. GARCIA stated that she was asked to come to McAllen, Texas to celebrate her birthday and to bring a vehicle to Houston, Texas by DENMAN. GARCIA said that DENMAN, MILLER, HAYNES, and herself drove down to the motel where they stayed in the Dodge Caravan. She states she didn't see who drove southbound because she was asleep. GARCIA said that during one of the nights at the motel she was awoken and told that it was time to go. GARCIA says they got into the Caravan and drove to a trailer home where the Grand Marquis was. She stated that DENMAN and MILLER were talking to a man which she overheard was called "Ivan". DENMAN had advised GARCIA of that they were going to take the vehicle and people to Houston, Texas. DENMAN had told GARCIA that they would get paid \$1000 USD per person and that everyone would get a cut once they got paid. GARCIA stated that the undocumented aliens were not concealed at first when placed in the vehicle. She states that both vehicles stopped on the side of the road somewhere on the way to Houston, Texas and that both MILLER and DENMAN exited the vehicles to conceal the undocumented aliens.

WITNESSES STATEMENT:

All subjects were questioned as to the events leading up to their arrest.

CRUZ-Hernandez, Angel agreed to give a statement without the presence of a lawyer. CRUZ stated that he was instructed to get into either the gray car or tan van that were parked outside the house where he was being stashed by 4 white subjects. He stated that himself and 3 others sat in the passenger seats of the vehicles and were taken to another house. At the other house more people got into the vehicles before being taken to the parking lot of a fast-food restaurant. While in the parking lot the two white male subjects instructed them to hide under the blankets where they wouldn't be seen. CRUZ was presented with a photo line-up and was able to identify MILLER, GARCIA, HAYNES, and DENMAN as operating and being the passengers of the gray car and tan van respectfully.

CRUZ-Hernandez, Gregorio agreed to give a statement without the presence of a lawyer. CRUZ-Hernandez, Gregorio stated he was picked up at the stash house by four white subjects in a gray car and tan van. He was told to hide in the back of the van and states that there were already other Hispanics in the van. He states that the vehicles stopped at a store and that the four white subjects went into the store and left them in the vehicle. CRUZ-Hernandez, Gregorio was presented with a photo line-up and was able to identify MILLER, GARCIA, HAYNES, and DENMAN as the drivers and passengers of the gray car and tan van respectfully.

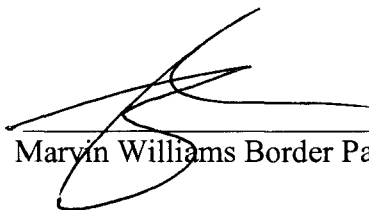
PEREZ-Sandoval, Elsa agreed to give a statement without the presence of a lawyer. PEREZ stated she was picked up from a trailer home by four white subjects and was told to sit in the vehicle. PEREZ says that they stopped along the highway and was instructed to hide. PEREZ was able to identify MILLER, GARCIA, HAYNES, and DENMAN as being the four subjects that had gone for her at the trailer home and were in the gray car and tan van respectfully.

VILLALOBOS-Valdivia, Juan Pablo agreed to give a statement without the presence of a lawyer. VILLALOBOS-Valdivia, Juan Pablo stated that he paid \$4,000 in total to come to the United States. After he crossed the river he went to a house and a woman was telling him what to do. He was there for 3 days and then he was told to get into a car by four white subjects. After they drove for a while they stopped somewhere and were told to get into the trunk by the one of the subjects. It was very hot, they did not know how to get out, and they were in the trunk for about an hour and a half. VILLALOBOS-Valdivia, Juan Pablo was presented with a photo line-up and was able to identify MILLER, GARCIA, HAYNES, and DENMAN as the drivers and passengers of the van and car respectfully.


LOPEZ-Mendez, Ambrosio agreed to give a statement without the presence of a lawyer. LOPEZ stated that they were taken to a trailer after being smuggled into the United States. They were taken out of the trailer home where 4 white subjects were waiting for them next to a van and a car. Lopez stated they were separated and placed in the vehicles where they were hidden by the subjects. LOPEZ-MENDEZ, Ambrosio was presented with a photo line-up and was able to identify MILLER, GARCIA, HAYNES, DENMAN as the occupants of the car and van respectfully.

LOPEZ-Nava, Leonardo agreed to give a statement without the presence of a lawyer. LOPEZ-Nava stated that he was taken to trailer home along with his wife. He states that they were taken out of the trailer on Sunday night to a van and car that were waiting for them. LOPEZ-Nava then stated that his wife and himself were placed under the back seat of the van and hidden with blankets. LOPEZ-Nava was presented with a photo line-up and was able to identify MILLER, GARCIA, HAYNES, DENMAN as the occupants of the car and van respectfully.

The facts of this case were presented to Assistant United States Attorney Ken Cusick who accepted Amber Haynes, Roxanne Garcia, Joseph Denman and Jack Miller for prosecution of 8 USC 1324, Alien Smuggling. Juan VILLALOBOS-Valdivia, Gregorio CRUZ-Hernandez, Leonardo LOPEZ-Nava, Ambrosio LOPEZ-Mendez, Elsa PEREZ-Sandoval and Angel CRUZ-Hernandez were held as material witnesses in this case.


Marvin Williams Border Patrol Agent

Sworn to before me, signed in my presence, and
probable cause found on this day, May 19th, 2015


B. Janice Ellington
United States Magistrate Judge